

### **REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1-28. Claims 1, 5, 8 and 19 have been amended. No claims have been canceled or added. Hence, after entry of this Amendment, claims 1-28 stand pending for examination.

The Office Action rejected claims 1, 8-11, 13, 14, 19-22 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,218,268 to Xia et al. ("Xia").

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Xia.

Claims 2, 3, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xia in view of U.S. Patent No. 6,013,584 to M'Saad ("M'Saad").

Claims 4, 12 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xia in view of U.S. Patent Publication No. 2002/0050605 to Jenq ("Jenq").

Claims 15-18 and 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xia in view of U.S. Patent No. 6,500,771 to Vassiliev et al. ("Vassiliev").

#### **§ 102(b) Rejections**

Without acquiescing to the priority of the pending rejections, the Applicants have amended all independent claims to conclusively avoid the cited references. The Applicants appreciate the assistance of the Examiner in arriving at these claim amendments.

Independent claims 1, 5, 8 and 19 stand rejected in view of Xia. The Applicants maintain, however, that Xia does not teach a two-step deposition process, wherein a (silicon-containing gas):(oxidizing gas) ratio is varied during deposition of a substantially conformal layer.

At col. 13, ll. 4-42, and Figs. 7A and 7B, Xia appears to teach two different, two-step deposition processes. In both processes, a conformal layer is deposited at a high Ozone:TEOS ratio during a first step, the ratio is then reduced, and the bulk layer is deposited during a second step at a lower Ozone:TEOS ratio. In other words, Xia teaches depositing first and second portions of the film at two distinct ratios, but does not teach varying the ratio during deposition of the conformal layer according to the Applicants' claimed invention herein. Hence, the independent claims of the present application are distinguishable over Xia and are believed to be allowable, at least for this reason.

The remaining claims depend from one of these independent claims and are believed to be allowable, at least for the reasons stated above.

## **Conclusion**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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